



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable G. A. Neal  
County Auditor  
Ellis County  
Waxahachie, Texas

Dear Sir:

Opinion No. C-4624

Re: County clerks - Return of original marriage licenses

Your request for opinion has been received and carefully considered by this department. We quote from your request as follows:

"Has the County Clerk of any County in Texas the right to refuse to deliver to either of the parties who have been married, the original license after it has been returned to said Clerk, and the return recorded?"

Article 4608, Vernon's Annotated Texas Civil Statutes, pertaining to the issuance of marriage licenses, reads as follows:

"The clerk shall record all licenses so issued by him in a well bound book kept for that purpose. It shall be the duty of the person solemnizing the rites of matrimony to indorse the same on the license and return it to the county clerk within sixty days after the celebration aforesaid; such return shall be recorded with the license."

It is our opinion that it is the duty of the county clerk to return the marriage license to whom it belongs after the marriage is consummated and after proper endorsements are

Honorable G. A. Neal, Page 2

made thereon by the person solemnizing the marriage and  
after the clerk records the license and return.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

*Wm. J. Fanning*

Wm. J. Fanning  
Assistant

WJF:GO

APPROVED JUN 11, 1942

*Gerald B. Mann*

ATTORNEY GENERAL OF TEXAS

